

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1710

Introduced by Senator Ackerman
(Principal coauthor: Senator Ducheny)
(Coauthor: Assembly Member Parra)

February 24, 2006

An act to amend ~~Section~~ *Sections 33370, 33380, 33381, 33382, 33383, and 62000.14* of the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1710, as amended, Ackerman. Education: California American Indian Education Center Program.

(1) Existing law establishes within the State Department of Education an American Indian Education Unit to provide administrative oversight of American Indian education programs established by the state and study and identify the cultural and educational disadvantages affecting American Indian children in the existing public school system. Existing law requires the Superintendent of Public Instruction to appoint an American Indian Education Unit Coordinator to be responsible for the American Indian Education Unit.

This bill would require the unit coordinator to possess, at a minimum, specified traits. The bill would add duties to the American Indian Education Unit and the State Department of Education, as specified. The bill would also require the Superintendent to appoint an American Indian Education Oversight Committee, as specified.

(2) Existing law, until January 1, 2007, requires the State Board of Education, upon the advice and recommendations of the Superintendent, to adopt guidelines for the selection and

administration of California Indian education centers. Existing law authorizes a tribal group or unincorporated Indian association to submit an application to the state board in order to establish a California Indian education center. Existing law requires California Indian education centers to be designed to meet specified requirements.

This bill would authorize American Indian education centers to, among other things, improve the academic achievement of American Indian pupils in kindergarten and grades 1 to 12, inclusive, provide a focus for summer cultural, recreational, and academic experiences, and provide training programs, as specified. The bill would require the department to approve revised amendments and updates to the existing 1975 guidelines, as specified. The bill would establish specified criteria for the ranking and ordering of applications to establish an American Indian education center and for funding. The bill would require funding to be disbursed in a specified manner and would require funding for each center to be provided at a minimum of \$100,000, with incremental increases based upon available funding. The bill would provide that an approved application for the establishment of a center would be effective for a period of five years and would require the department to begin evaluating the center in order to determine whether to renew the application or approve a new application, as specified.

(3) Existing law provides that the California Indian Education Center Program becomes inoperative on January 1, 2007.

This bill would extend the program until January 1, 2012. The bill would require each center to annually submit a specified report to the department. The bill would require on or before January 1, 2011, the department to report consolidated results for all centers and supply information that is required for a comprehensive evaluation of those results, and to make recommendations for program improvement. The bill would also require the centers to maintain sound fiscal policies. The bill would require the department to assist the centers in maintaining those policies. The bill would authorize the department to implement an annual program audit or fiscal review, as specified.

~~This bill would extend the program until January 1, 2012. The bill would require each California Indian education center to submit an evaluation of its program to the State Department of Education on or before July 1, 2010, and would require the State Department of Education to report the consolidated results of yearly evaluation data~~

~~and self reviews, as well as recommendations for program improvement, to the Legislature on or before January 1, 2011.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 33370 of the Education Code is*
2 *amended to read:*
3 33370. (a) There is hereby created within the ~~State~~
4 ~~Department of Education~~ *department* an American Indian
5 Education Unit, which shall provide *technical support to, and*
6 ~~proper~~ administrative oversight of American Indian education
7 programs established by the state *in order to ensure that*
8 *American Indian pupils in California public schools are able to*
9 *meet the challenging academic standards of the federal No Child*
10 *Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and*
11 *programs reflect the cultural and educational standards stated in*
12 *Executive Order No. 13336, 69 Federal Register 25295 (May 5,*
13 *2004), relating to American Indian and Alaska Native Education*
14 ~~and shall study and identify the cultural and educational~~
15 ~~disadvantages affecting American Indian children in the present~~
16 ~~existing public school system.~~
17 (b) The Superintendent of ~~Public Instruction~~ shall appoint an
18 American Indian Education Unit Coordinator who shall ~~be~~
19 ~~responsible for~~ *oversee* the American Indian Education Unit. *The*
20 *unit coordinator shall possess, at minimum, the following traits:*
21 (1) *Proven successful knowledge of, and experience in the*
22 *field of education management and the oversight of programs,*
23 *especially those that serve underrepresented or tribal*
24 *communities.*
25 (2) *The ability to establish effective working relationships with*
26 *tribal communities.*
27 (3) *Proven successful experience in providing training and*
28 *technical assistance to tribal communities.*
29 (4) *Tact, resourcefulness, and judgment with all groups*
30 *contacted in their work.*
31 (5) *Perform complex research and analytical studies.*

1 (6) *The ability to assume leadership and exercise creativity in*
2 *the formulation, development, administration, and evaluation of*
3 *educational programs.*

4 (7) *The ability to interpret and apply educational policy.*

5 (8) *The ability to analyze situations accurately and take*
6 *appropriate effective action.*

7 (9) *Possess the ability to present ideas clearly and concisely in*
8 *oral and written form.*

9 (c) *The duties of the American Indian Education Unit shall*
10 *include, development of clear, consistent, and effective operating*
11 *policies and procedures that include measures to ensure that the*
12 *learning needs of American Indian pupils are being adequately*
13 *addressed.*

14 (d) *The department shall ensure that staff are properly trained*
15 *in the application of the policies adopted pursuant to subdivision*
16 *(c) and that the policies are consistent with the legislative intent*
17 *relating to the American Indian Education Program and Section*
18 *11019.6 of, subdivisions (d) and (f) of Section 11340 of, and*
19 *Section 11432.2 of, the Government Code.*

20 (e) *The department shall describe the following:*

21 (1) *The data that American Indian centers shall report on an*
22 *annual basis in order to measure program performance.*

23 (2) *The standardized cohesive format for reporting that will*
24 *allow the department, or an outside evaluator, to effectively*
25 *aggregate and consolidate the data for reports to the legislature*
26 *and other interested parties.*

27 (3) *A description of the consequences for failing to submit the*
28 *data.*

29 (f) *The department shall adopt policies that include:*

30 (1) *An equitable process that will be used to select centers that*
31 *will receive grant awards and determine their respective funding*
32 *amounts.*

33 (2) *Establish a prompt time frame for disbursing approved*
34 *payments to the centers.*

35 (3) *A monitoring process and plan to ensure that fiscal and*
36 *program information reported by the centers is accurate and*
37 *complete, including a process for corrective action and*
38 *investigation by the department for noncompliance. The process*
39 *shall be based upon consistent and equitable principles.*

1 (4) *The incorporation of culturally responsive methodologies*
2 *in order to ensure that an optimal educational program for*
3 *American Indian pupils is supported and maintained.*

4 (5) *Ensuring respect for the federal trust and sovereign nation*
5 *status of California American Indian tribes.*

6 (g) *The Superintendent, with input from existing center*
7 *directors, shall appoint an American Indian Education Oversight*
8 *Committee by January 30, 2007, composed of seven American*
9 *Indian educators, four of which shall be American Indian*
10 *Education Center directors. All members shall possess proven*
11 *successful knowledge of current educational policies relating to,*
12 *and issues faced by, American Indian communities in California.*
13 *This committee shall provide meaningful input and advice to the*
14 *unit coordinator on all aspects of American Indian education*
15 *programs established by the state.*

16 SEC. 2. *Section 33380 of the Education Code is amended to*
17 *read:*

18 33380. *The Legislature hereby finds and declares that*
19 *American Indian children have not succeeded well in California*
20 *public schools as evidenced by low academic achievement at all*
21 *grade levels, high dropout rates and by the few students*
22 *continuing their education beyond high school low number of*
23 *pupils achieving a higher education. It is the intent and purpose*
24 *of the Legislature to establish community and tribal-based*
25 *programs that promote the educational achievement of American*
26 *Indian pupils attending public schools throughout the state. The*
27 *department shall provide proper guidance and effective*
28 *administrative support to California American Indian education*
29 *centers that recognize the unique cultural and historical needs of*
30 *American Indian pupils and support the need to preserve the*
31 *languages, cultures, and social structures of tribal communities.*

32 ~~*It is the intent and purpose of the Legislature to strengthen the*~~
33 ~~*instructional program within the public schools by establishing*~~
34 ~~*California Indian education centers.*~~

35 SEC. 3. *Section 33381 of the Education Code is amended to*
36 *read:*

37 33381. *The California American Indian education centers*
38 *established pursuant to this article shall serve as*
39 *community-based educational resource centers in American*
40 ~~*Indian communities to the*~~ *to American Indian pupils, parents,*

1 *guardians, and the public schools in order to promote the*
2 *academic and cultural achievement of the pupils. The centers*
3 ~~shall be designed to~~ *may, based upon established priority needs,*
4 *accomplish the following:*

5 (a) Improve the academic achievement of American Indian
6 ~~pupils with particular emphasis on reading and mathematics in~~
7 *kindergarten and grades 1 to 12, inclusive.*

8 (b) Improve the self-concept *and sense of identify* of American
9 Indian pupils and adults.

10 ~~(c) Increase the employment of American Indian adults.~~

11 ~~(d)~~

12 (c) Serve as a center for related community activities.

13 ~~(e) Provide tutorial assistance to pupils in reading and~~
14 ~~mathematics.~~

15 ~~(f)~~

16 (d) Provide individual and group counseling to pupils and
17 adults related to personal adjustment, academic progress, and
18 vocational planning.

19 ~~(g)~~

20 ~~(e) Provide~~ *Create and offer* coordinated programs with the
21 public schools.

22 ~~(h) Provide a neutral location for parent-teacher conferences.~~

23 ~~(i)~~

24 (f) Provide a focus for summer *cultural, recreational-sports*
25 ~~and academic experience, and academic experiences.~~

26 ~~(j)~~

27 (g) ~~Provide~~ *Create and offer* adult classes and activities *that*
28 *benefit parents or guardians of pupils in its programs.*

29 (h) *Provide training programs to develop pathways to college*
30 *and the workplace for American Indian pupils.*

31 (i) *Provide American Indian educational resource materials to*
32 *pupils, their parents, and the schools they attend in order to*
33 *ensure appropriate tribal histories and cultures are made*
34 *available.*

35 ~~(k) Provide college-related training programs for prospective~~
36 ~~American Indian teachers.~~

37 ~~(l) Provide libraries and other related educational material.~~

38 SEC. 4. *Section 33382 of the Education Code is amended to*
39 *read:*

1 33382. ~~The State Board of Education~~ *state board*, upon the
2 advice and recommendations of the Superintendent of Public
3 ~~Instruction~~, shall ~~adopt~~ *approve revised* guidelines for the
4 selection and administration ~~of the California of California~~
5 *American Indian* education centers. *The Amendments and*
6 *updates to the 1975 guidelines shall require the input of, and*
7 *majority approval by, the American Indian Education oversight*
8 *Committee prior to the submission of the guidelines to the state*
9 *board.*

10 SEC. 5. *Section 33383 of the Education Code is amended to*
11 *read:*

12 33383. (a) ~~Application~~ *An application* for the establishment
13 of a California *American Indian* education center may be made to
14 ~~the State Board of Education~~ *department* by any tribal group or
15 incorporated *American Indian* association, ~~either~~ *separately or*
16 *jointly*, upon forms provided by ~~the Department of Education~~ *the*
17 *department*. *The department shall appoint an impartial*
18 *committee composed of five individuals who possess knowledge*
19 *of, and expertise in proposal assessment and educational*
20 *programs that serve American Indian pupils and communities in*
21 *order to determine the funding levels for each center and any*
22 *new programs to be created. The committee shall evaluate and*
23 *rank the proposals for funding purposes.*

24 (b) *An application for funding by an American Indian*
25 *education center shall be ranked and approved on the basis of all*
26 *of the following criteria:*

27 (1) *The application is designed to achieve measurable*
28 *objectives for the center.*

29 (2) *The applicant's degree of commitment to the purpose of*
30 *American Indian education as demonstrated by the policies*
31 *adopted, the allocation of staff, fiscal, and material resources,*
32 *and the integration of existing resources and services.*

33 (3) *The extent and degree of collaborative efforts among local*
34 *community resources, organizations, schools and tribal*
35 *communities.*

36 (4) *The potential impact a center will have on pupils, their*
37 *families, and other organizations in the region.*

38 (5) *The number of pupils in kindergarten and grades 1 to 12,*
39 *inclusive, within the applicant's community.*

1 (6) Existing centers shall have priority based upon each
2 programs demonstrated impact on pupils, parents and the
3 community served.

4 (7) Existing centers created by the department shall receive
5 priority in funding.

6 (c) The funding level for each center shall be based upon a
7 comprehensive community needs assessment, including the
8 applicant's history of educational support for American Indian
9 pupils, their parents or guardians, and the amount of
10 collaboration with local American Indians.

11 (d) Funding for each center shall be provided at a minimum of
12 one hundred thousand dollars (\$100,000) with incremental
13 increases based upon available funding.

14 (e) Funding for each center shall be distributed by reference
15 to pupil population, pupil academic performance, and the local
16 economic base.

17 (f) To the extent possible, the centers shall be distributed in
18 regions throughout the state in order to reflect the American
19 Indian population base.

20 (g) Funding may be carried forward from a previous fiscal
21 year for use during the subsequent summer months if deemed
22 necessary by the department to carry out the purposes of the
23 American Indian education programs.

24 (h) The approval of an application for the establishment of an
25 American Indian education center shall be effective for a period
26 of five calendar years. One calendar year before the expiration
27 of the five-year period, the department shall commence an
28 evaluation of the center in order to determine whether to renew
29 the existing center's application or approve a new application to
30 establish an American Indian education center.

31 **SECTION 1.**

32 **SEC. 6.** Section 62000.14 of the Education Code is amended
33 to read:

34 62000.14. (a) The California American Indian Education
35 Center Program shall sunset on January 1, 2012.

36 ~~(b) (1) Each California Indian education center shall, as a~~
37 ~~condition of receipt of annual funding, collect and report site~~
38 ~~evaluation data that measure all of the following:~~

39 ~~(A) The number of pupils served.~~

40 ~~(B) The services provided to pupils.~~

1 ~~(C) Academic performance of pupils served.~~

2 ~~(D) The extent to which the program goals, as set forth in~~
3 ~~Article 6 (commencing with Section 33380) of Chapter 3 of Part~~
4 ~~20, are being met.~~

5 ~~(2) In addition, each center shall submit an evaluation of its~~
6 ~~program to the State Department of Education on or before July~~
7 ~~1, 2010, and shall supply whatever information is deemed~~
8 ~~necessary for the purposes of the evaluation.~~

9 ~~(3) The State Department of Education shall report the~~
10 ~~consolidated results of the yearly evaluation data and self~~
11 ~~reviews, as well as recommendations for program improvement,~~
12 ~~to the Legislature on or before January 1, 2011.~~

13 *(b) (1) Each center shall annually submit a report to the*
14 *department that includes appropriate data, presented in a format*
15 *developed jointly with the department, that reflects each center's*
16 *ability to meet its stated objectives, measure pupil academic*
17 *performance, and meets the continued educational and cultural*
18 *needs of the community that the center serves.*

19 *(2) On or before January 1, 2011, the department shall report*
20 *consolidated results for all centers and supply information that is*
21 *required for a comprehensive evaluation of those results, and*
22 *make recommendations for program improvement.*

23 *(c) The centers shall maintain sound fiscal policies. The*
24 *department shall provide technical assistance and training to the*
25 *centers in order to assist the centers maintain sound fiscal*
26 *policies. The department may require an annual program audit,*
27 *however, if the department deems it fiscally unsound for the*
28 *centers to provide an annual audit, a fiscal review shall suffice.*

29 *(d) The department shall provide technical assistance and*
30 *training to the directors of the American Indian education*
31 *centers on an ongoing basis that shall include prompt*
32 *documented responses and professional guidance meant to*
33 *improve center programs.*